



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No.4856-00
16 January 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 25 March 1999 for four years at age 20. The record reflects that you served without incident until 6 April 1999, when you were referred to the mental health unit because you were having thoughts of hurting or killing yourself in order to be discharged. You reported feelings of depression, anxiety and low self-esteem since arriving at recruit training, and also had problems with sleeping and concentration. You disclosed that you came from an unstable family and had a history of emotional abuse. You were diagnosed as having an "adjustment disorder with disturbance of conduct (threat of self-harm)." The examining psychologist opined that you were not suitable for continued training and were at risk for harm to yourself or others if retained.

On 12 April 1999 you were notified that you were being considered for administrative separation by reason of convenience of the government due to a diagnosed adjustment disorder. You were advised of your procedural rights, declined to consult with legal

counsel or submit a statement in own behalf, and waived the right to have your case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed an entry level separation due to the diagnosed adjustment disorder which interfered with your performance of duties. You received an uncharacterized entry level separation on 12 April 1999 by reason of erroneous enlistment and were assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals discharged by reason of erroneous enlistment. The Board noted your statement, character references, and the psychiatric evaluation submitted in support of your request for a change in your reenlistment code. The Board particularly noted that you told the examining psychiatrist that you were homesick, concerned about your family, and that someone told you that if you said you were suicidal you could get discharged. The Board also noted that this evaluation diagnoses you with a personality disorder, not otherwise specified, and immaturity. Individuals who express suicidal ideation, whether in earnest or as a manipulative effort to be discharged, are viewed with concern because they present a potential risk for harm to themselves and others. The Board concluded that the suicidal ideation provided sufficient justification for assignment an RE-4 reenlistment. The Board also noted the current diagnosis of a personality disorder, which would more than likely constitute a basis for separation and assignment of an RE-4 reenlistment code. Since you were treated no differently than others separated under similar circumstances the Board could find no error or injustice in your assigned reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director